UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,010	03/05/2002	Eric D. Bloch	LZLO-01001US0	7583

28554   7590   12/26/2007
VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET SUITE 2500
SAN FRANCISCO, CA 94105

EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,13-17,19-24,26-33,35-58,60-62,64,65,67-70 and 73-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,13-17,19-24,26-33,35-58,60-62,64,65,67-70 and 73-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 15

October 2007 and 18 October 2007 have been entered.

2.   Claims 1, 3-11 and 13-17, 19-24, 26-33, 35-58, 60-62, 64, 65, 67-70 and 73-80

remain pending.

Claim Objections

3.   Claim 65 is objected to because of the following informalities: Claim 65 is

missing a period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   Applicant's amendment to claim 11 overcomes the prior rejection set forth under

112, second paragraph, and therefore the rejection has been withdrawn.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 33, 35, 36 and 55-58, 60-62, 64, 65, 68, 77 and 78 are rejected under 35

U.S.C. 102(b) as being anticpated by Wu et al. (US 5,987,256), hereinafter referred to

as Wu.

7.   Regarding claim 33, Wu discloses one or more processor readable storage

devices having processor readable code embodied on said processor readable storage

devices, said processor readable code for programming one or more processors to

perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server

from a web client (col. 2, lines 45-46);

accessing first code associated with said particular content (col. 2, lines 46-47,

57);

compiling said first code to create executable code for a plug-in to said web

client, said executable code implements a user interface that provides access to said

particular content (col. 2, lines 17-19), said step of compiling is performed at said server

in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said plug-in (col. 2, lines

50-51).

8.   Regarding claim 35, Wu discloses that:

said particular content includes data (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2,

lines 47-50).

9.   Regarding claim 36, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

10.   Regarding claim 55, Wu discloses the one or more processor readable storage devices wherein said first comprises elements which are identified by markup language tags (col. 2, ll. 31-35, use of HTML).

11.   Regarding claim 56, Wu discloses one or more processor readable storage devices wherein: at least one of said elements define a view template of a user interface element, said view template is instantiated when said executable code is executed by said rendering entity (col. 5, ll. 17-18 and col. 6, ll. 1-7).

12.   Regarding claim 57, Wu discloses one or more processor readable storage devices wherein said elements comprise at least one element which defines a view class which supplies default properties, behavior, and child views which the view template instantiates (col. 6, ll. 4-8).

13.   Regarding claim 58, Wu discloses one or more processor readable storage devices wherein at least one of said elements references a media file comprising at least one of audio, video and a movie (col. 6, ll. 3-7).

14.   Regarding claim 60, Wu discloses one or more processor readable storage devices wherein at least one of said elements references a media file that contains an animation (col. 6, ll. 3-7).

15.   Regarding claim 61, Wu discloses the method wherein said one or more source files comprise an element which references a media file that contains a movie (col. 6, ll. 3-7, graphic objects).

16.   Regarding claim 62, Wu discloses one or more processor readable storage devices wherein said media file comprises a .SWF file, said markup language description references said .SWF file (col. 6, ll. 3-7, a .SWF file is deemed an example of a graphic object).

17.   Regarding claim 64, Wu discloses the one or more processor readable storage devices wherein at least one of said elements provides an inline definition of formatted text (col. 6, ll. 10-16).

18.   Regarding claim 65, Wu discloses the one or more processor readable storage devices wherein at least one of said elements provides an inline definition of vector graphics (col. 6, ll. 3-7).

19.   Regarding claim 68, Wu discloses the one or more processor readable storage devices wherein at least one of said elements define a connection to a web service (col. 5, ll. 12-18 and col. 6, ll. 1-7).

20.   Regarding claim 77, Wu discloses one or more processor readable storage devices wherein said elements comprises elements which define script code, said script code specifies a visual appearance of said user interface (col. 2, ll. 51-55).

21.   Regarding claim 78, Wu discloses one or more processor readable storage devices wherein said elements comprises elements which define script code, said script

code specifies an application logic of said mark-up language description (col. 2, ll. 51-

55).

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

23.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

24.   Claims 1, 3-10, 13, 21-24, 26-32, 37-47, 51-54, 67, 69, 70 and 79 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Davis et al. (US

6,643,696 B2), hereinafter referred to as Davis.

25.   Regarding claim 1, Wu teaches a method for providing content, comprising the

steps of:

receiving a request for particular content, said request is received at a server

(col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines

46-47, 57), said mark-up language description includes one or more source files which

describe behavior of said particular content on a user interface, said particular content

includes data for rendering on said user interface (col. 5, ll. 12-18 and col. 6, ll. 1-7,

control how content is to be displayed).

Wu teaches the accessing of a mark-up language description but not does not

explicitly teach the definition of a connection to an external data source for data wherein

the external data source is external to the server. However, in related art, Davis

teaches on this aspect wherein a client device can send a request to a server for

secondary content (col. 5, lines 54-58) and that the secondary content can be from an

external data source (abstract, line 7). Wu and Davis are analogous art because they

are both from the same field of endeavor of computer systems. At the time of invention,

it would have been obvious to one of ordinary skill in the art that Davis's method of

calling an application from a previously downloaded webpage could be used with Wu's

method of compiling code at a server rather than at the client. After Davis's webpage is

downloaded with Wu's system, Davis's webpage would call the secondary application

and Wu's system would then proceed to locate and compile that secondary application

for presentation to the client. The motivation for doing so would have been to allow the

users of Wu's system to be able to utilize content of the type described in Davis on a

thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine

Davis with Wu for the benefit of utilizing more complex content on a thin-client device.

Wu and Davis teach further the step of compiling said mark-up language

description of said particular content to create executable code for a rendering entity

different than and within a browser (Wu, col. 17, ll. 10-22), said executable code

provides said particular content, said step of compiling is performed at said server in

response to said request (Wu, col. 2, lines 47-50 and col. 4, lines 43-48) and

transmitting said executable code from said server to said rendering entity (Wu, col. 2,

lines 50-51 and col. 4, lines 43-48).

26.   Regarding claim 3, Wu and Davis teach the method wherein said executable

code implements said user interface, said user interface provides access to said

particular content (Wu, col. 2, lines 17-19).

27.   Regarding claim 4, Wu and Davis the method according to claim 1, wherein said

rendering entity is a plug-in to a browser (Wu, col. 17, lines 14-16, use of an applet).

28.   Regarding claim 5, Wu and Davis teach the method wherein:

after said data is accessed from said external data source, said data is provided

in a markup language document, said step of compiling includes converting said data in

said markup language document to ActionScript and compiling said ActionScript into

ActionScript byte code (Wu, col. 17, lines 49-50).

29.   Regarding claim 6, Wu teaches that the executable code is transmitted over the

World Wide Web to the target device (col. 2, lines 21-22), however Wu does not

expressly disclose that the step of transmitting includes using HTTP to transmit said executable code via a network. Official notice is taken that the use of HTTP to transmit executable code via a network is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the use of HTTP because of the common use of HTTP when transmitting data over a network.

30.   Regarding claim 7, Wu and Davis teach the method further comprising the step of executing said executable code at said rendering entity, said rendering entity is a plug-in to a browser, said request for particular content is made by said browser (Wu, col. 4, lines 32-35).

31.   Regarding claim 8, Wu and Davis the method further comprising the steps of:

accessing media content, said particular content includes said media content (Wu, col. 2, lines 46-47, 60);

transforming said media content to an accepted format (Wu, col. 2, lines 47-50);

providing a reference to said transformed media content in said executable code (Wu, col. 2, ll. 47-50); and

adding said transformed media content to said executable code, said transformed media content is not compiled (col. 2, lines 47-50).

32.   Regarding claim 9, Wu and Davis teach that said step of compiling comprises the steps of converting said mark-up language description to ActionScript; and compiling said ActionScript into ActionScript byte code (Wu, col. 17, liners 49-50).

33.   Regarding claim 10, Wu and Davis teach the steps of:

accessing media content, said particular content includes said media content

(Wu, col. 2, lines 46-47, 60);

transforming said media content to an accepted format (Wu, col. 2, lines 47-50);

and

adding said transformed media content to said executable code (Wu, col. 2, lines

47-50), said request is from a client associated with said rendering entity (Wu, col. 2,

line 52), said executable code implements said user interface, said user interface

provides access to said particular content (Wu, col. 2, lines 17-19).

34.   Regarding claim 13, Wu teaches that said particular content includes a first

application (Wu, col. 2, lines 45-46), and the steps of accessing a mark-up language

description of content (Wu, col. 2, lines 46-47, 57), compiling said mark-up language

description of content (Wu, col. 2, lines 47-50), and transmitting said compiled mark-up

language description of content to said client (Wu, col. 2, lines 50-51). Wu does not

expressly teach the step of receiving a request from a client associated with said

rendering entity for second content and that said second content includes a second

application called by said first application. Davis teaches that a client device can send a

request to a server for secondary content and that the second content can include a

second application that is called by the first application (col. 5, lines 54-58). At the time

of invention, it would have been obvious to one of ordinary skill in the art that Davis's

method of calling an application from a previously downloaded webpage could be used

with Wu's method of compiling code at a server rather than at the client. After Davis's

webpage is downloaded with Wu's system, Davis's webpage would call the secondary

application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 13.

35. Regarding claim 21, Wu discloses a method for providing content, comprising the steps of:

receiving a request for content that includes data other than code, said data is for rendering on a user interface at a client, and said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description associated with said content at said server (col. 2, lines 45-46), said mark-up language description defines a connection to an external data source for said data, said external data source is external to said server (col. 5, ll. 12-18 and col. 6, ll. 1-7);

acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server (col. 2, lines 46-47);

compiling said content at said server to create executable code, said content is based on said mark-up language description and said data, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 21.

36. Regarding claim 22, Wu discloses that said request is from said client (col. 2, line 52).

37.   Regarding claim 23, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

38.   Regarding claim 24, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

39.   Regarding claim 26, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

40.   Regarding claim 27, Wu discloses:

accessing media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code, said transformed media content is not compiled (col. 2, lines 47-50).

41.   Regarding claim 28, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57), said mark-up language description references a media file comprising at least one of audio, video and a movie (col. 6, II. 3-7);

compiling said mark-up language description of said particular content to create

executable code for a plug-in to a browser (col. 17, ll. 10-22), said executable code

provides said particular content, said step of compiling is performed at said server in

response to said request (col. 2, lines 47-50); and

transmitting said executable code and said media file from said server to said

plug-in, said media file is not compiled (col. 2, lines 50-51).

42.   Regarding claim 29, Wu discloses that said request is from said browser (col. 2,

line 52).

43.   Regarding claim 30, Wu discloses that said executable code implements a user

interface that provides access to said particular content (col. 2, lines 17-19).

44.   Regarding claim 31, Wu discloses that:

said particular content includes data (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2,

lines 47-50).

45.   Regarding claim 32, Wu discloses that said method further comprises the steps

of:

accessing media content, said particular content includes said media content

(col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-

50).

46.   Regarding claim 37, Wu discloses one or more processor readable storage

devices having processor readable code embodied on said processor readable storage

devices, said processor readable code for programming one or more processors to

perform a method comprising:

receiving a request for content that includes data other than code, said data is for

rendering on a user interface by a rendering entity at a client, said rendering entity is

separate from a browser but operates within said browser, and said request is received

at a server (col. 2, lines 45-46);

acquring said data from a data source external to said server, said acquiring is

performed by said server (col. 2, lines 46-47, 57);

compiling said data at said server to create executable code for a rendering

entity that is separate from a browser but operates within said browser, said executable

code includes a representation of said data, said step of compiling is performed in

response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said rendering entity at a

client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines

45-46), and the steps of accessing a mark-up language description of content (col. 2,

lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines

47-50), and transmitting said compiled mark-up language description of content to said

client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a

request from said client for second content and that said second content includes a

second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 37.

47.   Regarding claim 38, Wu discloses that said request is from said client (col. 2, line 52).

48.   Regarding claim 39, Wu discloses said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

49.   Regarding claim 40, Wu discloses that said method further comprises the steps of:

        accessing media content (col. 2, lines 46-47, 60);

        transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-

50).

50.   Regarding claim 41, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and

one or more processors in communication with said one or more storage devices (col.

4, lines 57-59), said one or more processors receive a request for particular content,

said request is received at a server (col. 2, lines 45-46), said request is from a client

(col. 2, line 52), said one or more processors access a mark-up language description of

said particular content (col. 2, lines 46-47, 57) and compile said mark-up language

description of said particular content to create executable code for a plug-in to a HTTP

client, said executable code provides said particular content, said compiling is

performed at said server in response to said plug-in (col. 2, lines 47-50), and said one

or more processors transmit said executable code from said server to said plug-in (col.

2, lines 50-51).

51.   Regarding claim 42, Wu discloses that said executable code implements a user

interface that provides access to said particular content (col. 2, lines 17-19).

52.   Regarding claim 43, Wu discloses that:

said particular content includes data (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2,

lines 47-50).

53.   Regarding claim 44, Wu discloses wherein:

said particular content includes media content (col. 2, lines 46-47, 60).

54.   Regarding claim 45, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and

one or more processors in communication with said one or more storage devices

(col. 4, lines 57-59), said one or more processors perform a method comprising the

steps of:

receiving a request for particular content, said request is received at a

server (col. 2, lines 45-46), said request is from a client, said client includes a

browser and a rendering engine that is different than said browser but operates

in connection with said browser (col. 2, line 52).

Wu teaches the accessing of a mark-up language description but not does not

explicitly teach the definition of a connection to an external data source for data wherein

the external data source is external to the server. However, in related art, Davis

teaches on this aspect wherein a client device can send a request to a server for

secondary content (col. 5, lines 54-58) and that the secondary content can be from an

external data source (abstract, line 7). Wu and Davis are analogous art because they

are both from the same field of endeavor of computer systems. At the time of invention,

it would have been obvious to one of ordinary skill in the art that Davis's method of

calling an application from a previously downloaded webpage could be used with Wu's

method of compiling code at a server rather than at the client. After Davis's webpage is

downloaded with Wu's system, Davis's webpage would call the secondary application

and Wu's system would then proceed to locate and compile that secondary application

for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device.

Wu and Davis teach further the step of compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser (Wu, col. 17, ll. 10-22), said executable code provides said particular content, said step of compiling is performed at said server in response to said request (Wu, col. 2, lines 47-50 and col. 4, lines 43-48) and transmitting said executable code from said server to said rendering entity (Wu, col. 2, lines 50-51 and col. 4, lines 43-48). The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

55.   Regarding claim 46, Wu and Davis teach an apparatus wherein:

said particular content includes data stored at said source, said accessing first code includes accessing said data at said source (Wu, col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (Wu, col. 2, lines 47-50).

56.   Regarding claim 47, Wu and Davis teach the steps of:

accessing media content, said particular content includes said media content, at least one of said elements identifies said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

57.   Regarding claim 51, Wu teaches the method wherein said data is media data (col. 2, ll. 46-47, 60).

58.   Regarding claim 52, Wu discloses the method wherein:

said request includes an indication that identifies a type of said rendering entity from a group of rendering entities (col. 17, ll. 10-22); and

said compiling includes creating said executable code specific for said type of rendering entity in response to said indication (col. 17, ll. 10-22).

59.   Regarding claim 53, Wu discloses the method wherein said executable code comprises one or more binary files (col. 6, table 1, use of binary files).

60.   Regarding claim 54, Wu discloses the method wherein said executable code comprises at least one of object code and byte code (col. 5, ll. 2-7).

61.   Regarding claim 67, Wu teaches the accessing of a mark-up language description but not does not explicitly teach the definition of a connection to an external data source for data wherein the external data source is external to the server. However, in related art, Davis teaches on this aspect wherein a client device can send a request to a server for secondary content (col. 5, lines 54-58) and that the secondary content can be from an external data source (abstract, line 7). Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in

the art that Davis's method of calling an application from a previously downloaded

webpage could be used with Wu's method of compiling code at a server rather than at

the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage

would call the secondary application and Wu's system would then proceed to locate and

compile that secondary application for presentation to the client. The motivation for

doing so would have been to allow the users of Wu's system to be able to utilize content

of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it

would have been obvious to combine Davis with Wu for the benefit of utilizing more

complex content on a thin-client device.

61.   Regarding claim 69, Wu discloses a method wherein said compiling comprises

parsing said markup language description to obtain first and second types of elements,

providing said first and second types of elements to first and second compiling modules,

respectively, to obtain first and second object code, respectively, and assembling said

first and second object code into a single executable (col. 4, ll. 40-45, utilization of

multiple tools).

62.   Regarding claim 70, Wu discloses the method wherein said first type of element

defines at least one of a visual appearance of said content (col. 6, ll. 3-7). Wu teaches

the accessing of a mark-up language description but not does not explicitly teach the

definition of a connection to an external data source for data wherein the external data

source is external to the server. However, in related art, Davis teaches on this aspect

wherein a client device can send a request to a server for secondary content (col. 5,

lines 54-58) and that the secondary content can be from an external data source

(abstract, line 7). Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device.

63.   Regarding claim 79, Wu discloses the method wherein said first type of element defines at least one of a visual appearance of said content (col. 6, ll. 3-7). Wu teaches the accessing of a mark-up language description but not does not explicitly teach the definition of a connection to an external data source for data wherein the external data source is external to the server. However, in related art, Davis teaches on this aspect wherein a client device can send a request to a server for secondary content (col. 5, lines 54-58) and that the secondary content can be from an external data source (abstract, line 7). Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of

compiling code at a server rather than at the client. After Davis's webpage is
downloaded with Wu's system, Davis's webpage would call the secondary application
and Wu's system would then proceed to locate and compile that secondary application
for presentation to the client. The motivation for doing so would have been to allow the
users of Wu's system to be able to utilize content of the type described in Davis on a
thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine
Davis with Wu for the benefit of utilizing more complex content on a thin-client device.

64.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu and
Davis in view of Russell (2002/0069420).

65.   Regarding claim 11, Wu does not expressly disclose the step of authenticating
said request, said steps of compiling and transmitting are only performed if said step of
authenticating is successful, different types of authenticating are provided for different
types of content or for each item of content. Russell teaches on this aspect wherein a
network may authenticate a user's request to download content and that if that
authentication fails, the server will not allow the user to download the content (par. 94,
lines 1-10). Wu and Russell are analogous art because they are both from the same
field of endeavor of content delivery. At the time of invention it would have been been
obvious to a person of ordinary skill in the art to allow Wu's invention to authenticate
requests for content and to deny delivery of the content if the request does not pass
authentication, as taught by Russell. The motivation for doing so would have been to
ensure that the user making the request is authorized to access the content (par. 91,

lines 6-7). Therefore it would have been obvious to combine Russell with Wu for the benefit of authorized access to obtain the invention as specified in claim 11.

66.   Claims 14-17, 19, 20 and 74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Wagner (US 6,085,224).

Regarding claim 14, Wu teaches a method for providing content, comprising the steps of receiving a request for particular content, said request is received at a server (col. 2, lines 45-46); in response to said request, accessing first code associated with said particular content, said first code includes a mark-up language description and a scripting language description (col. 2, lines 46-47, 57 and col. 1, lines 17-21). Wu does teach compiling HTML to create executable code that implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and transmitting said executable code from said server to a client (col. 2, lines 50-51). Wu teaches the compilation of HTML or JAVA but does not explicitly teach the compilation a combination of both to create combined executable code. The combination of a markup language code and a scripting language description is deemed as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used in an HTML file to include javascript or visual basic script languages. It would have been obvious to one of ordinary skill in the art to include scripting languages embedded within a markup language file as taught by Wagner. One of ordinary skill in the art would have been motivated to embed script languages due to the common use of scripting in markup language files.

67.   Regarding claim 15, Wu discloses that said request is from said client (col. 2, line

52).

68.   Regarding claim 16, Wu discloses that:

said particular content includes data (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2,

lines 47-50).

69.   Regarding claim 17, Wu discloses that said step of compiling includes converting

said data to action script and compiling said action script into action script byte code

(col. 17, lines 49-50).

70.   Regarding claim 19, Wu discloses said markup language description includes

elements which are identified by markup language tags, at least one of said elements

provides a script source of said scripting language description (col. 4, lines 32-35).

71.   Regarding claim 20, Wu teaches the steps of:

accessing media content, said particular content includes said media content

(col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50);

providing a reference to said transformed media content in said executable code

(col. 2, lines 47-50); and

adding said transformed media content to said executable code, said

transformed media content is not compiled (col. 2, lines 47-50).

72.   Regarding claim 74, Wu and Wagner teach a method wherein at least one of

said elements of said markup language description instantiates a class defined in the

scripting language description (Wu, col. 2, ll. 51-55).

73.   Regarding claim 75, Wu and Wagner teach a method wherein said scripting

language description extends a class defined in said markup language description (Wu,

col. 2, ll. 51-55)

74.   Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wu and Davis in view of Wagner.

75.   Regarding claim 48, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and

one or more processors in communication with said one or more storage devices

(col. 4, lines 57-59), said one or more processors receive a request for content that

includes data other than code, said request is received at a server (col. 2, lines 45-46),

said request is from a client (col. 2, line 52), said one or more processors access a

mark-up language description and a scripting language description associated with said

content at said server (col. 2, lines 46-47) and acquire said data from a source external

to said server, said data is acquired by said server (col. 2, lines 46-47), said one or

more processors compile said mark-up language description and said scripting

language description at said server to create executable code, said executable code

includes a representation of said data, said compiling is performed in response to said

request (col. 2, lines 47-50), and said one or more processors transmit said executable

code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have

been obvious to combine Davis with Wu for the benefit of utilizing more complex content

on a thin-client device to obtain the invention as specified in claim 48.

Wu teaches the compilation of HTML or JAVA but does not explicitly teach the

compilation a combination of both to create combined executable code. The

combination of a markup language code and a scripting language description is deemed

as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line

15 wherein Wagner teaches the use of embedded commands used in an HTML file to

include Javascript or visual basic script languages. It would have been obvious to one

of ordinary skill in the art to include scripting languages embedded within a markup

language file as taught by Wagner. One of ordinary skill in the art would have been

motivated to embed script languages due to the common use of scripting in markup

language files.

76. Regarding claim 49, Wu discloses that said executable code implements a user

interface that provides access to said data (col. 2, lines 17-19).

77. Regarding claim 50, Wu discloses the steps of:

said data includes media content (col. 2, lines 46-47, 60).

78. Claims 73, 76 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wu in view of Davis and further in view of Ausems et al. (US 2003/0013483 A1).

79. Regarding claim 73, Wu teaches the rendering of data on a user target device

but does not explicitly teach the utilization of a Flash player. However, in related art,

Ausems teaches the common utilization of a Flash player for the use of displaying

multimedia on a user interface of a user's device (p. 9, para. 0081 and p. 10, table 3,

multimedia). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize a flash player as taught by Ausems in combination with the rendering utility taught by Wu. One of ordinary skill in the art would have been motivated to utilize a flash player as suggested by Ausems for the ease of display of multimedia applications with respect to default multimedia programs (Ausems, table 3).

80.   Regarding claim 76, Wu teaches the rendering of image data on a user target device (col. 4, ll. 40-42) but does not explicitly teach the utilization of JPG or GIF files. However, in related art, Ausems teaches the common utilization of JPG or GIF files for image display on a user interface of a user's device (p. 9, para. 0076). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize JPG or GIF as taught by Ausems in combination with the rendering utility taught by Wu. One of ordinary skill in the art would have been motivated to utilize JPG or GIF as suggested by Ausems for the ease of display of multimedia applications with respect to default multimedia programs (Ausems, table 3).

81.   Regarding claim 80, Wu teaches the rendering of data on a user target device but does not explicitly teach the utilization of a Flash player. However, in related art, Ausems teaches the common utilization of a Flash player for the use of displaying multimedia on a user interface of a user's device (p. 9, para. 0081 and p. 10, table 3, multimedia). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize a flash player as taught by Ausems in combination with the rendering utility taught by Wu. One of ordinary skill in the art would have been

motivated to utilize a flash player as suggested by Ausems for the ease of display of

multimedia applications with respect to default multimedia programs (Ausems, table 3).

Response to Arguments

82.   Applicant's arguments filed 15 October 2007 have been fully considered but they

are not persuasive.

83.   Applicant argues with respect to claim 1 that the cited references do not disclose

or suggest a markup language description, where one or more source files define a

connection to an external data source for data, and where the data is for rendering on a

user interface. The examiner respectfully disagrees. As set forth in the rejection above,

Wu is not relied upon for teaching the accessing of an external source for data. Wu is

relied upon for teaching the accessing of a mark-up language description that

describes how data is to be displayed on a user's device as taught in column 2, lines

46-47 and line 57. Davis is relied upon for teaching the accessing of an external data

source wherein in column 5, lines 54-58 Davis teaches the aspect of sending a request

to a secondary location for content and the secondary content can be from a second

external data source (see abstract, line 7). Therefore this combination as set forth in

the above rejection of Davis with Wu teaches on the aspect of a markup language

description, where one or more source files define connection to an external data

source for data, and where the data is for rendering on a user interface. Applicant

argues further with respect to claim 4 on page 21 of the Remarks that Wu and Davis do

not disclose or suggest any such source files which define a connection to an external

data source. Examiner respectfully disagrees. Davis teaches on this aspect in column

5, lines 54-58 wherein a client device can send a request to a server for secondary content and that the secondary content can be from an external data source. Knowledge of how to construct or establish a connection must be known in order to access the secondary content. Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device.

84.   Applicant argues with respect to claim 7 that Wu does not teach the utilization of a plug-in. As is understood in the art and defined by the applicant, a plugin is "a small software program that plugs into a larger application to provide added functionality." Examiner maintains that Wu teaches the utilization of a plug-in because an applet is merely an example of a plug-in. As is known in the art, an applet is a program which executes from within another application. Therefore the applets taught by Wu in column 17, lines 10-22 of the applicant's claimed "plug-in".

85.   Applicant argues with respect to dependent claim 8 that there is no disclosure or suggestion of providing executable code which includes a reference to transformed

media content which is added to executable code. Examiner respectfully disagrees.

Wu teaches the compilation of "data sets" in web environments (col. 4, lines 43-48),

these data sets including any types of text, video, and imagery that are commonly used

when presenting content to users when displayed on a web browser for environments

within a TV set top box, a VCD/DVD player, a hand held device, a networked computer

of an embedded computer.

86.   Applicant argues with respect to dependent claim 9 that Wu does not disclose

converting a mark-up language description as claimed. Examiner respectfully

disagrees. Wu teaches the compilation of object specifying languages interchangeably

in column 2, lines 31-36, for example HTML and JAVA. In column 17, lines 49-50, Wu

teaches the steps of "optimization" when performing functions on and creation of byte

codes. Therefore, these steps as disclosed by Wu encompass the method of

converting and compiling "action script" as disclosed by the Applicant. It is also noted

by the Examiner that the Applicant has disclosed in their specification filed 5 March

2002 on page 29, line 27 – page 30, line 1 that the compilation of "Action Script Byte

Code" is already well known in the art.

87.   Examiner maintains that independent claim 28 is not deemed patentable over the

prior art of record for similar reasons set forth above with respect to independent claim

1. Applicant argues further that Wu does not disclose or suggest a mark-up language

description that references a media file such as a static image, animation or movie.

Examiner respectfully disagrees. Wu teaches the compilation of "data sets" in web

environments (col. 4, lines 43-48), these data sets including any types of text, video,

and imagery that are commonly used when presenting content to users when displayed

on a web browser. These data sets include any types of text, video, and imagery that

are commonly used when presenting content to users when displayed on a web

browser for environments within a TV set top box, a VCD/DVD player, a hand held

device, a networked computer of an embedded computer.

88.   Applicant argues with respect to claim 11 that the cited art provides no disclosure

or suggestion of allowing compiling based on authenticating as claimed. Examiner

respectfully disagrees. Russell is relied upon for teaching the step of authentication

before downloading aspect. Russell teaches in paragraph 94, lines 1-10 wherein a

network may authenticate a user's request to download content and that if that

authentication fails, the server will not allow the user to download the content. Applicant

argues further that a person of ordinary skill in the art would not be led to combine these

references as suggested because the thin client of Wu can only handle simplified

graphics primitives that define rectangles, text and bitmaps, but cannot handle movie

files, music files, or video game files. Examiner respectfully disagrees. Wu clearly

teaches in column 2, lines 59-63 the utilization of a TV set top box, a VCD/DVD player,

a hand held device, a network computer, or an embedded computer which are all

known to handle movie files, music files, or video game files. At the time of invention it

would have been obvious to a person of ordinary skill in the art to allow Wu's invention

to authenticate requests for content and to deny delivery of the content if the request

does not pass authentication, as taught by Russell. The motivation for doing so would

have been to ensure that the user making the request is authorized to access the

content (par. 91, lines 6-7).

89.   Applicant argues with respect to claim 14 that the proposed combination of Wu

and Wagner could only be made impermissibly in view of applicants' invention.

Examiner respectfully disagrees. Usage of scripting languages is deemed well known

in the art. The combination of a markup language code and a scripting language

description is deemed as common in the art as evidenced by Wagner in column 15, line

61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used

in an HTML file to include javascript or visual basic script languages. It would have

been obvious to one of ordinary skill in the art to include scripting languages embedded

within a markup language file as taught by Wagner. One of ordinary skill in the art

would have been motivated to embed script languages due to the common use of

scripting in markup language files.

90.   In view of the above, it is concluded that the present claims are not patentable

over the cited prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Lamkin et al. (US 7,178,106 B2) teaches the presentation of media content from

multiple media sources.

Paila et al. (US 7,240,283 B1) teaches data transmission and rendering techniques

implemented over a client-server system.

Corboy et al. (US 7,277,912 B2) teaches a browser environment using multiple browser

instantiations.

Peiffer et al. (US 7,249,196 B1) teaches a web page source file transfer system and

method.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-

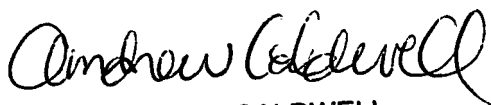3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

baa